

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-10 were pending this application. By way of the Reply to Restriction Requirement of October 30, 2003, claims 7 and 8 were elected for continued prosecution without traverse and claims 1-6, 9, and 10 were canceled. By way of the Reply of April 19, 2004, claims 7 and 8 were canceled without prejudice or disclaimer and claims 11-16 have been added. By way of the Reply of October 20, 2004, claims 12 and 15 were canceled without prejudice or disclaimer. By way of the Reply of April 21, 2005, claims 17-22 have been added. Accordingly, claims 11, 13, 14, and 16-22 are pending in this application. Claims 11 and 14 are independent. The remaining claims depend, directly or indirectly, from any of claims 11 and 14.

Claim Amendments

Claims 11 and 14 have been amended in this Reply to clarify the present invention recited. Specifically, claims 11 and 14 have been amended to simply clarify, in view of dependent claims 13 and 16, that one of the plurality of terminals behaves as the server terminal by receiving the service program and the information regarding the number of other terminals permitted to receive the service program. Support for these amendments may be found, for example, on page 4, lines 20-32, of the Specification. No new matter

has been added. Also, these amendments are believed to require no further prior art search. Accordingly, entry and favorable consideration thereof are respectfully requested.

Rejection(s) under 35 U.S.C § 103

Claims 11, 13, 14, and 16-22 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 6,343,248 (“Ishikawa et al.”). For the reasons below, this rejection is respectfully traversed.

Independent claim 11 recites a scheme for charging for distributions of a service program on a network system. The concept of the present invention as recited in claim 11 is based on an expanded client/server model wherein one of terminals (i.e., clients) includes functionality to operate as a server (i.e., referred to as a server terminal in the Specification) for other terminals. Specifically, a billing system of the present invention may be embodied under a communication network interconnecting a server 10 and a plurality of terminals 30. No server terminal 20 *initially* exists on the network.

Once one of the plurality of terminals 30 receives a service program together with information regarding a number of other terminals permitted to receive the service program 41 (hereinafter “permission information”) from the server 10, the one of the plurality of terminals 30 executes the service program, and thereby becomes the server terminal 20, which is entitled to distribute to the other terminals 30 the service program 41 transferred from the server 10 based on the permission information. The other terminals 30, which receive the service program 41 from the server terminal 20, do not become the server terminal 20. Only the terminal that receives the service program together with the permission information from the server 10 can become the server terminal 20. Thus, Fig. 1

shows the billing system at the state when the one of the plurality of terminals 30 becomes the server terminal 20.

The server 10 subsequently charges the server terminal 20 for all the distributions to each of the other terminals 30. It is noted that the server 10 does not directly charge the other terminals 30 for the distributions. Advantageously, the present invention allows the server 10 to charge *only* the server terminal 20, preventing unlimited distribution of the service program 41. Also, a load on the server 10 can be reduced. See page 6, line 31 through page 8, line 17 and page 20, lines 25-30 of the original Specification. In view of the above, independent claim 11 includes the limitations: “a server for sending a service program and information regarding a number of other terminals permitted to receive the service program over a communication network in response to a predetermined request,” “one of the plurality of terminals behaves as a server terminal,” and “the server charges the server terminal for the number of other terminals permitted to receive the service program.”

Further, independent claim 14 recites a scheme for charging for distributions of a service program on a network system. One difference from claim 11 is that a billing server charges terminals each receiving the service program for distribution of the service program in response to notification from the terminals. Specifically, claim 14 includes the limitations: “a server for sending a service program and information regarding a number of other terminals permitted to receive the service program over a communication network in response to a predetermined request,” “one of the plurality of terminals receives the service program and the information from the server via the communication network and thereby

behaves as a server terminal,” and “a billing server for charging the other terminals for the distribution.”

Ishikawa et al. fails to teach or suggest at least the above limitations recited in amended independent claims 11 and 14. Ishikawa et al. merely discloses a scheme of a billing method via the Internet using a billing management server. Specifically, Ishikawa et al. does not teach or suggest the server terminal as recited in claims 11 and 14.

Even supposing, *arguendo*, that the card management server 300 corresponds to the server as recited in claims 11 and 14, the content server 200 is different than the server terminal as recited in claims 11 and 14. The content server 200 does not derive from any of the terminals 100 based on any information whatsoever transferred from the card management server 300. Further, the content server 200 never duplicates any information transferred from the card management server 300 to distribute it to the terminal 100. The content server 200 stores in advance a chargeable service therein to provide the terminal 100. *See* reference numeral 203 of Fig. 4 of Ishikawa et al. In addition, the content server 200 does not distribute a service program to as many terminals as given by the permission information. In fact, Ishikawa et al. is completely silent with respect to permission information as recited in claim 11. Furthermore, the card management server 200 does not charge the content server 200. Authentication and billing information is *directly* exchanged between the card management server 300 and the terminal 100. The card management server 200 simply notifies the content server of the result of the authentication and billing. *See* col. 11, lines 5-10 of Ishikawa et al.

In view of the above, Ishikawa et al. fails to show or suggest the present invention as recited in independent claims 11 and 14. Thus, independent claims 11 and 14 are

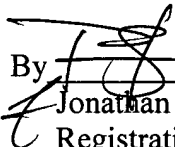
patentable over Ishikawa et al. The dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

The above amendments are believed to require no further prior art search or, at least, to simplify issues for appeal. Accordingly, entry and favorable consideration are respectfully requested. Further, Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04730.002001) .

Dated: 9/6/05

Respectfully submitted,

By  #45,079
Jonathan P. Osha THOMAS SCHERER
Registration No.: 33,986
OSHA • LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
Telephone: 713.228.8600
Attorney for Applicant